

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA, )  
Plaintiff, ) No. CR-09-059-JLQ  
v. ) ORDER GRANTING MOTION TO  
FABIAN VAKSMAN, ) EXPEDITE AND GRANTING IN  
Defendant. ) PART MOTION TO MODIFY  
 ) FURLough REQUIREMENTS (SET  
 ) FORTH IN CT. REC. 57)  
 ) -- ACTION REQUIRED --

At the June 23, 2009, hearing on Defendant's Motion to Modify Furlough Requirements, Defendant appeared with Assistant Federal Defender Robert R. Fischer. Assistant U.S. Attorney Tyler Tornabene represented the United States. Both sides argued.

Defendant proffered that Mr. Ed Kennedy of CORD was available to observe Mr. Vaksman during the furlough permitted under this court's Order dated June 2, 2009 (Ct. Rec. 57) and that taxi cab transportation would be used (rather than the bus system). In addition, it will be necessary to have a court order for Spokane County Jail physician, Dr. Kennedy (not related to Ed Kennedy), to confer with a psychiatrist as to a medical evaluation. The United States maintains Mr. Vaksman has not demonstrated a willingness to follow court orders.

**IT IS ORDERED:**

1. Defendant's Motion to Expedite (Ct. Rec. 80) is GRANTED.

ORDER GRANTING MOTION TO EXPEDITE  
AND GRANTING IN PART MOTION TO  
MODIFY FURLough REQUIREMENTS - 1

2. Defendant's Motion to Modify Furlough Requirements is  
**GRANTED AS FOLLOWS:**

1. As soon as reasonable, Dr. Kennedy shall confer with an on-call psychiatrist to permit implementation of a medical evaluation. The conference shall be confirmed by Pretrial Services and the results shall be provided to Pretrial Services.

7       2. Mr. Kennedy of CORD shall observe and be present throughout  
8 a furlough not to exceed 6 hours (Thursday, June 25, 2009, at 10:00  
9 a.m. to return to the jail no later than 4:00 p.m. on the same day)  
10 to resolve the "out of custody" warrant and make residence  
11 arrangements. Mr. Kennedy shall notify the U.S. Marshal and  
12 Pretrial Services immediately of any failure to comply or  
13 anticipated failure to comply with the court's furlough order. In  
14 addition, an investigator from the Federal Defenders shall be  
15 present at Mr. Vaksman's apartment throughout the time Mr. Vaksman  
16 is present at his apartment. During this 6 hour furlough, if  
17 necessary, defendant may go to the Bank of Whitman to arrange to pay  
18 monies for warrant resolution and for payment of his personal bills.  
19 All transportation shall be by taxi.

20       3. Defendant is reminded he shall have no contact, direct or  
21 indirect, with the alleged victims. See Conditions of Release Order  
22 at page 5 (Ct. Rec. 57).

IT IS SO ORDERED.

DATED June 23, 2009.

S/ CYNTHIA IMBROGNO  
UNITED STATES MAGISTRATE JUDGE

ORDER GRANTING MOTION TO EXPEDITE  
AND GRANTING IN PART MOTION TO  
MODIFY FURLough REQUIREMENTS - 2